

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEREMIAH F. MCMILLON,

Petitioner,

v.

CINDY GRIFFITH,

Respondent.

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No. 4:17-CV-311 ACL

MEMORANDUM AND ORDER

Petitioner moves for appointment of counsel. After considering the motions and the pleading, the motions will be denied without prejudice to refile at a later time.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the petitioner will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the petitioner's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

Petitioner has presented non-frivolous allegations in his petition. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex.

The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motions for appointment of counsel are
[Doc. #5 and #7] **DENIED** without prejudice.

Dated this 2nd day of March, 2017.

Handwritten signature of Abbie Crites-Leoni in black ink.

ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE